

# Did Hoover Play Games With Warren

By Norman Kempster  
Washington Star Staff Writer

Former FBI Director J. Edgar Hoover may have been playing semantic games with the Warren Commission when he swore in an affidavit that a search of the bureau's files showed Lee Harvey Oswald was never an FBI informer, a Senate investigator believes.

Sen. Richard Schweiker, R-Pa., said in an interview that Hoover's seemingly comprehensive four-page statement contains an omission which seems suspicious now.

"At no time in the affidavit does Hoover say that so far as his personal knowledge goes Oswald had no connection with the FBI," Schweiker said. "This is the usual form of affidavits."

Instead, the late FBI director swore that a search of the bureau's files showed no connection with Oswald.

"WE NOW KNOW that the FBI had a 'do not file' system" that permitted the bureau to say truthfully that a potentially embarrassing record was not in the files, Schweiker said. The system was described recently to the Senate Intelligence Committee as a screen for FBI "black bag jobs" — burglaries to obtain information.

The Hoover affidavit, sworn Feb. 6, 1964, was included in the commission's final report. It generally has been accepted as a categorical denial that Oswald was an FBI informer.

In the legal third-person prose common to such papers, Hoover said "he has caused a search to be made of the records of the Federal Bureau of Investigation . . . and that said search discloses that Lee Harvey Oswald was never an informant of the FBI, was never assigned a symbol number in that capacity, and was never paid any amount of money by the FBI in any regard."

Schweiker and Sen. Gary Hart, D-Colo., have been picked as a two-member subcommittee of the intelligence panel to probe the role the FBI and the CIA played in the Warren Commission's investigation of the assassination of President John F. Kennedy.

ALTHOUGH their investigation is just getting under way, Schweiker said he is convinced that both the FBI and the CIA withheld evidence from the commission, which found that Oswald, acting alone, was the assassin.

"If Lee Harvey Oswald was in jail today there is no question in my mind that he would be entitled to a new trial," Schweiker said.

Schweiker and Hart plan to report their findings to the full committee, headed by Sen. Frank Church, D-Idaho, sometime next year. An aide said Schweiker hopes to raise enough questions through the two-man investigation to convince the Senate to order a full-scale reopening of the Kennedy assassination case.

At least two omissions in the evidence provided to the commission have been discovered recently:

•The FBI did not report that Oswald had threatened violence against its Dallas office shortly before the assassination or that the records of the matter were destroyed. FBI Director Clarence Kelley recently confirmed the destruction of that evidence.

•The CIA did not report its plots to assassinate Cuban Premier Fidel Castro. Those schemes were secret at the time but have since come to the attention of the Senate Intelligence Committee.

THOSE OMISSIONS might not have been significant in themselves, but Schweiker said he is determined to find out if the agencies also withheld other information. He said there are some strong hints that they did.

Schweiker stressed that he was not even suggesting that either the CIA or the FBI might be implicated in killing Kennedy. But he said if Oswald had any sort of connection with either agency, it would cast doubt on all of the commission's findings since the commissioners relied on the FBI and the CIA for information.

"It could be nothing more sinister than an attempt to cover up a potentially embarrassing situation," Schweiker said. "But it still would affect the quality of the reports that went to the commission."



SEN. SCHWEIKER



SEN. GARY HART

In the 11 years that have passed since the Warren Commission report was issued, a number of conspiracy theories have developed among critics who are unwilling to accept the finding of a lone assassin with an ill-defined motive. Most of these theories are perched on such spindly factual foundations that they can be dismissed by disproving an essential element.

SCHWEIKER SAID he does not accept any of the popular theories but he said there may be elements of truth in several of them.

"For years I accepted the Warren Commission report," Schweiker said. "I was not one of those assassination buffs at all."

Although he is a newcomer to the ranks of the

commission's critics, Schweiker has one distinction that sets him apart — he is the only assassination buff who is armed with the power of subpoena to obtain documents and compel witnesses to appear.

It seems likely that one of the subcommittee's first actions will be to attempt to discover if the CIA still has a tape recording made of intercepted telephone calls to the Soviet and Cuban embassies in Mexico City made by someone who identified himself as Oswald. The CIA recently confirmed that it monitored the calls.

IF THE TAPE still exists, it could help to establish whether there was an imposter posing as Oswald in Mexico at that time. Some Warren report critics

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believe that someone may have been impersonating Oswald, perhaps as part of an unexplained conspiracy.

There is no proof, but there is circumstantial evidence that could indicate a contact between Oswald and either the FBI or the CIA, Schweiker said.

Although Oswald never made a secret of his Marxist sympathies, he was given a security clearance by the Marine Corps and was assigned to Atsugi, Japan, which Schweiker described as a U2 base. At that time, in the late 1950s, the very existence of the CIA's high-flying spy plane was a carefully guarded secret.

In 1959, Oswald received an expedited discharge from the Marines and left shortly thereafter for Europe aboard a Grace Lines ship. Although Grace Lines is not a CIA front, there is evidence of cooperation between the company and the agency.

In "The CIA and the Cult of Intelligence," Victor Marchetti and John D. Marks describe the selection of a Grace Lines official to head a CIA citizens' panel. There was never any secret about the appointment but the way that CIA censors handled the passage raises some questions.

THE BOOK said the agency selected "Wilfred McNeil, at that time president of Grace Shipping Lines (three lines deleted) to serve as the confidential reviewer. . . ."

The book was censored by the CIA to remove classified information. In this passage the deletion

appears to be a parenthetical phrase describing Grace.

After Oswald arrived in the Soviet Union, he went to the U.S. Embassy on Oct. 31, 1959 to turn in his passport and renounce his citizenship. Although Oswald indicated he planned to give military secrets to the Soviets, no action was ever taken against him. Less than two years later he was welcomed back to the United States.

Although there is nothing in that sequence of events to show conclusively that Oswald was sent to the Soviet Union as an infiltrator, a real infiltrator probably would fit a similar profile.

It is also possible, Schweiker added, that each agency may have believed — perhaps incorrectly — that that Oswald worked for the other. Some critics of the Warren Commission say there is evidence that indicates Oswald was afforded the sort of deferential treatment that one agency might extend to a contact of another agency.

OSWALD CAME to the official notice of the FBI at least three years before the assassination. On June 3, 1960, Hoover sent a memo to the State Department suggesting the possibility that an imposter might be using Oswald's birth certificate.

At the time of the memo, Oswald was living in Moscow.

Schweiker said he was interested in the memo for two reasons — it indicates that Hoover was familiar

with Oswald's case and it seems to lend some credence to the imposter theory.

When Oswald was preparing to return to the United States in March 1961, a State Department official's memo seemed to take for granted that someone had been using Oswald's identity papers. That memo said, "It has been stated that there is an imposter using Oswald's identification data and that no doubt the Soviets would love to get hold of his valid passport, it is my opinion that the passport should be delivered to him only on a personal basis and after the Embassy is assured . . . that he is returning to the United States."

THE APPARENT attempt by an acknowledged FBI informer, Sara Jane Moore, to shoot President Ford in San Francisco last month has shed some light into the shadowy world of informers and part-time undercover agents.

There is no longer much doubt that the FBI and other intelligence agencies deal with questionable individuals, including some who are capable of violence. The bureau's supporters say that such associations are a necessary tool of effective law enforcement.

But in light of the Moore case, it becomes easier to believe that informers sometimes engage in activities the agency employing them would prefer to cover up.

Schweiker said Hoover lied at least once in his affi-

davit. The director said Oswald had only three contacts with FBI agents prior to the assassination. The recently discovered threat against the Dallas bureau office was not included in that list, although there is evidence that Hoover knew about it.

RECENTLY declassified transcripts of commission meetings indicate that some of the commissioners were concerned about the possibility that Oswald might have been an FBI informer. Hoover's affidavit was intended to lay such speculation to rest.

But the doubts apparently persisted all the same. Former CIA Director Allen Dulles, a member of the commission, said that a CIA director would lie — even under oath — to protect the identity of an informant and he implied that an FBI director probably would, too.

Schweiker concedes that he has little solid proof so far. But he said enough questions have been raised to justify a thorough investigation.